

Action in a continuing or substitute application where that application contains material which was presented in the earlier application after final rejection or closing of prosecution but was denied entry because (A) new issues were raised that require further consideration and/or search, or (B) the issue of new matter was raised.”

In support of this position, Applicants submit that, in reply to the Response Under 37 CFR §1.116 dated March 1, 2000, the Examiner issued an Advisory Action dated March 20, 2000 in which entry of the proposed amendment contained in the Response was denied entry in the application because “they raise new issues that would require further consideration and/or search... The newly submitted issue in claim 1, line 14, ‘subopening having a port separate from said inlet port and said outlet port’ would require further searching and consideration”. In the Continued Prosecution Application (CPA) Request Transmittal dated April 27, 2000 Applicants requested that, instead of a Preliminary Amendment,” the unentered amendment previously filed on March 1, 2000 under 37 CFR 1.116 in the prior non-provisional application” be entered in the instant CPA.

Accordingly, for the foregoing reasons Applicants submit that the outstanding Office Action, which is a first Office Action in the instant CPA, is prevented from being made FINAL by the provisions of §707.07(b) M.P.E.P. so that the instant final rejection should be withdrawn, which withdrawal Applicants respectfully request.

As regards the rejection of claims 1 to 6 under 35 USC §103(a) as being unpatentable over Applicants’ Prior Art (A.P.A) in view of DuRoss et al. and further in view of Brzezicki et al., it is submitted that what is disclosed in Figs.8 and 9 of the application and characterized by the Examiner as A.P.A constitutes no more than the very apparatus which is improved upon by the present invention. Specifically, what these figures illustrate are various arrangements whereby main flow controllers are connected on their inlet and outlet sides to various organizations of two port, two-

way-type on-off valves for accomplishing the controlled passage of process gas and/or purge gas. In the respective organizations tubing and related piping fixtures, such as L-shaped joints 120 and T-shaped joints, are employed such that a considerable amount of space is required to accommodate such organizations.

The claimed invention is intended to improve upon the disclosed flow control organizations by means of the development of various arrangements of 2-type, 2-3-type, 2-3-3-type, 3-3-type and 3-3-3-type on-off valves in which the ports of such valves are arranged in a row. The main bodies of the valves of the various valve types have identical structural configurations with the inlet and outlet ports of the respective valves, and the ports being arranged in a row along the respective lines of the concerned fluid control system. Thus, the desired control systems can be developed without the use of tubing and piping fixtures in order to produce a more compact system for each fluid control apparatus.

The patents to DuRoss et al. and Brzezicki et al., when combined with A.P.A., as suggested by the Examiner, fail to teach Applicants' invention, particularly as now claimed. DuRoss et al. disclose no more than a three-port valve construction wherein there is no indication that the patentee contemplates combining the described valve with other valves, including two port valves in order to develop various fluid control apparatus. Moreover, consideration of the patent indicates clearly that, where the use of a multitude of such valves is contemplated, they will be joined by conventional tubing and fittings. For example, see in this regard Fig.6 which shows a three port valve i.e. the component 204' of valve 302, connecting with a two port valve 320 by line 222.

Brzezicki et al., on the other hand, show modular valve arrangements each comprising a two port valve C mounted on modular blocks B. In the form of apparatus shown in this patent the flow-conducting passages 30, 70, etc. extend from the top of the block, are deflected angularly, and exit

the blocks at the sides thereof. Nothing in this patent suggests providing the valves as 2-3-type, 2-3-3-type, 3-3-type and 3-3-3-type having two and three ports respectively, nor valves containing valve mounts containing internal passages for interconnecting valve bodies in selected fluid flow relation, as claimed in the present patent application.

For the foregoing reasons, it is submitted that claim 1, together with the other claims depending therefrom, are patentable over the references and should be allowed. The Examiner is accordingly respectfully requested to favorably consider this Amendment and to allow the application.

With regard to the finality of the rejection, in the event the Examiner finds that the present Amendment fails to place the application into condition for allowance, the Examiner is respectfully requested to reconsider the status of the application in view of the provisions of §707.07(b) M.P.E.P. and to remove the finality of this rejection. Furthermore, in view of the above arguments, Applicants respectfully request that the Examiner enter this Amendment in the case and pass the application to issue. In the event the Examiner is constrained to retain the rejection of claim 1 to 6, it is requested that the Examiner nonetheless enter the amendments to claim 1 herein in order to place the application in better condition for appeal.

On the other hand, however, if the Examiner finds that minor revision is still required to render the claims satisfactory, it is requested that he call the Applicants' attorney at the telephone number indicated below in order to expedite the changes required to place the application in condition for allowance.

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees which may be due with respect to this paper, may be charged to Deposit Account No. 01-2340.

Respectfully submitted,

ARMSTRONG, WESTERMAN, HATTORI,
McLELAND & NAUGHTON

A handwritten signature in black ink, appearing to read "John F. Carney". The signature is fluid and cursive, with the first name "John" and last name "Carney" being clearly distinguishable.

John F. Carney
Attorney for Applicants
Reg. No. 20,276

Atty. Docket No. **980150**
1725 K Street, N.W., Suite 1000
Washington, DC 20006
Tel: (202) 659-2930
Fax: (202) 887-0357
JFC/kbd